

3 AUG 1970

MEMORANDUM FOR: Associate General Counsel, Mr. [REDACTED]

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SUBJECT : Reimbursement or Advance Payment of Travel and Transportation Expenses of Retirees

REFERENCES : A. Form 264, Request for Reimbursement or Payment - [REDACTED]

B. Memo for the Record, dated 28 July 1970, Subject: Advance Transportation Expenses for Shipment of the Effects of IS Retirees

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1. The attached Referent Form is a request for the reimbursement of \$753.67 incurred by Mr. [REDACTED] as the cost of moving his effects upon retirement from Annandale, Virginia to [REDACTED] Virginia.

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2. Mr. [REDACTED] was not eligible to retire under CIARDS at the time he shipped his household effects and therefore was not entitled at that time to be paid travel and transportation expenses. (On 30 June 1970, approximately one year after he paid for the movement of his household effects, he retired under CIARDS, which entails authorization of travel and transportation costs at Government expense.

3. While the immediate purpose in our querying your Office is to determine whether or not the Agency can legally approve Mr. [REDACTED] claim, the entire subject matter posed by his request contains a number of ramifications which we would like clarified as the basis for acting upon future cases that may arise. Our questions follow:

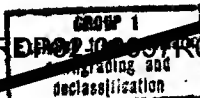
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a. Can the authority in [REDACTED] to pay travel and transportation expenses "upon retirement while assigned abroad, or upon retirement while assigned within the continental United States by a participant in the CIA Retirement and Disability System" be used for the purpose of approving Mr. [REDACTED] claim? As previously mentioned, the absence of a Travel Order prior to the shipment of his HHE is attributable to the lack of an entitlement then extant. If an authorizing Travel Order is now issued, either with a current date or a retroactive one coincidental with the effective date of CIARDS retirement, it would constitute

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the first official opportunity, upon receipt of his claim, to authorize retirement travel, pursuant to the regulatory provision quoted above.

b. Assuming a Travel Order is executed against an officially approved effective date of retirement for an employee, is there any legal objection to the Agency's reimbursement after the retirement date of allowable travel and transportation expenses which he personally incurred prior to the date of his retirement? The circumstance of advance travel or shipment of HME could pertain to a CSC or CIA retiree abroad. It could also apply to a CIARDS participant in the United States who departs his post in a leave status prior to his retirement date or who ships his effects early (perhaps necessitated by the sale of his house, incident to his move from the area after retirement).

c. Assuming a Travel Order is executed, is there any legal objection to the Agency's advancing travel and/or transportation expenses to an employee who will become eligible for retirement and retirement travel and transportation expenses as of an officially determined effective date? In this connection, your attention is called to Reference (b), which covers a conversation with Mr. Bernstein, Department of State, on State's authority to permit such an advance for shipment of effects.

d. If the Agency can advance travel and transportation expenses to eligible retirees as described in paragraph c. above, are there any caveats or constraints that should or must be observed, e.g. (1) a maximum time period between the authorization of the advance payment of expenses and the effective date of retirement or (2) the need for a repayment agreement, in the event retirement does not in fact materialize because of death or some other cause? If an agreement is required for an advance, would the Agency have the discretion of determining whether or not a refund is due or collectible out of any Agency monies due the employee if he died prior to the date of retirement?



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Deputy Director of Personnel

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